



Roll Call Number

13-1493

Agenda Item Number

31

Date September 23, 2013

RESOLUTION APPROVING AGREEMENT WITH CF INVESTORS, LLC, FOR THE PROVISION OF PUBLIC SANITARY SEWER SERVICE TO PROPERTY OUTSIDE THE CITY OF DES MOINES AT 4224 MERLE HAY ROAD

WHEREAS, the City of Des Moines has received a request from CF Investors, LLC, represented by Paul Hayes, Co-Manager, to obtain sewer service to the property it owns at 4224 Merle Hay Road in the City of Urbandale from the public sewer system operated by the City of Des Moines; and,

WHEREAS, the property at 4224 Merle Hay is located upon a portion of the former site of the Bob Brown Chevrolet Dealership which previously obtained sewer service from the City of Des Moines, and the property is proposed to be redeveloped with a Dunkin' Donuts business, and

WHEREAS, the City of Urbandale is unable to provide sewer service to this property; and,

WHEREAS, the City Manager recommends that such sewer service be provided pursuant to City Code §118-204, upon the terms and conditions set forth in the Agreement and Covenant Regarding Sewer Service Outside Des Moines City Limits on file and available for inspection in the office of the City Clerk.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

- 1. The proposed Agreement and Covenant Regarding Sewer Service Outside Des Moines City Limits which allows the immediate provision of City sewer service to the property at 4224 Merle Hay Road is hereby approved. The Mayor is hereby authorized and directed to sign the agreement on behalf of the City of Des Moines, and the City Clerk is hereby authorized and directed to attest to the Mayor's signature on such document.
2. Upon execution of the Agreement as provided above, the City Clerk is hereby further authorized and directed to forward the Agreement to the Legal Department for release to and recording by CF Investors, LLC.

( Council Communication No. 13- 492 )

MOVED by Meyer to adopt.

( continued )

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FORM APPROVED:

*Roger K Brown*

Roger K. Brown

Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				✓
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	6			1

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

*Chris Coleman*

MAYOR PRO TEM

*Diane Rauh*

City Clerk